

RESOLUTION NO. R2013-15
To Acquire Real Property Interests Required for the Northgate Link Extension Project

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Capital Committee	06/13/2013	Recommendation to Board	Ahmad Fazel, DECM Executive Director	206-398-5389
Board	06/27/2013	Final Action	Roger Hansen, Real Property Director	206-689-3366

PROPOSED ACTION

Authorizes the chief executive officer to acquire, dispose, or lease certain real property interests, including acquisition by condemnation, and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the Northgate Link Extension.

KEY FEATURES SUMMARY

- This action authorizes the acquisition, lease, or disposal of one property interest in the Northgate neighborhood in the City of Seattle for replacement parking needed for construction of facilities for the Northgate Link Extension.
- Sound Transit's contractor needs the WSDOT Park and Ride lot located near the Northgate Station for construction of the light rail guideway and station for the Northgate Link Extension project.
- To mitigate the loss of parking at the Park and Ride lot, Sound Transit will use the parcel that is the subject of this action for replacement parking until the parking garage being built by Sound Transit is completed. Once the parking garage is opened, replacement parking will be provided in the garage until the project is completed.
- The real property identified in this action is included in Exhibit A.

BACKGROUND

The Northgate Link Extension project is a 4.3-mile extension of light rail from the UW station to Northgate in twin-bored tunnels with two cut-and-cover stations serving the University District, Roosevelt and Northgate neighborhoods, which transitions to an elevated guideway and station near the Northgate Transit Center.

On April 27, 2006, upon consideration of the Final Supplemental Environmental Impact Statement (FSEIS), the Sound Transit Board adopted Resolution No. R2006-07, which, among other things, selected the final route, profile, and station locations for North Link; and (2) authorized the necessary steps to complete final design and implementation of the University Link project. The Federal Transit Administration issued a Record of Decision for North Link June 2006.

Sound Transit conducted a limited amount of advanced preliminary engineering work for North Link in 2009. This work focused on refining the bored tunnel alignment and profiles, examining Brooklyn Station design and constructability issues to refine construction staging property requirements, and examining alternative tunnel portal locations and construction staging options.

Certain property interests have been identified as necessary for replacement parking needed for the construction of the guideway and light rail station in the Northgate neighborhood. The proposed action would authorize acquisition or lease of one parcel, by condemnation, if necessary, as needed for the

Northgate Link Extension project and the payment of relocation benefits to eligible affected owners and tenants.

The parcel identified in Exhibit A is in the vicinity of the Northgate Station identified in the preferred alternative for the Northgate Link Extension.

Sound Transit staff has completed a preliminary analysis of the Northgate Link Extension project schedule, property acquisition work and the construction contract packaging plan. Initial property acquisition for North Link station and staging areas was authorized by the Board starting in March, 2010 in order for the project to be completed and operational by 2021.

FISCAL IMPACT

In accordance with Sound Transit policy, budgets for specific parcels will be discussed with the Board in executive session. Consistent with the current estimate at completion for real property acquisition, this action and acquisitions of remaining certified properties are affordable within the adopted project budget.

Northgate Link Extension

	2013 TIP	Board Approvals	This Action	Board Approved Plus Action	Uncommitted / (Shortfall)
Agency Administration	149,500	44,896		44,896	104,604
Preliminary Engineering	15,077	15,077		15,077	-
Final Design	113,123	99,700		99,700	13,423
Right of Way	148,050	92,574	-	92,574	55,476
Construction	1,323,500	20,934		20,934	1,302,566
Construction Services	112,050	83,030		83,030	29,020
Third Party Agreements	11,000	10,132		10,132	868
Vehicles	259,100	-		-	259,100
Total Current Budget	2,131,400	366,343	-	366,343	1,765,057

Phase Detail

Right of Way

Right of Way	148,050	92,574	-	92,574	55,476
Total Phase	148,050	92,574	-	92,574	55,476

Contract Detail

	Board Approvals to Date	Current Approved Contract Status	Proposed Action	Proposed Total for Board Approval
Contract	-	-	-	-
Contingency	-	-	-	-
Total Contract Amount	-	-	-	-
Percent Contingency	0%	0%	0%	0%

Notes:

Amounts are expressed in Year of Expenditure \$000s.

Board Approvals = Committed To-Date + Contingency, and includes pending Board actions.

Project Budget is located on page 27 of the 2013 Transit Improvement Plan (TIP).

In accordance with Sound Transit policy, budgets for specific parcels will be discussed with Board members in executive session.

SMALL BUSINESS PARTICIPATION

Not applicable to this action.

PUBLIC INVOLVEMENT

Maps of the proposed North Link alignments and construction staging areas were published in the 2003 and 2005 North Link Draft Supplemental Environmental Impact Statements (SEIS) and the 2006 North Link FSEIS and made available to the public. A 45-day comment period on the 2005 draft SEIS began in October 2005 and two public open houses/hearings were held in November 2005.

A public open house took place in June 2010 to inform the public on the start of the North Link project final design phase. An open house was held on May 17, 2011 regarding the Northgate station design progress. Staff also conducted 30% station design open houses on May 23, 2011 for the Roosevelt Station and on June 9, 2011 for the Brooklyn Station. Additional meetings have also been held in the University District and Roosevelt neighborhood over the last year to discuss project design and construction issues, including property acquisition and other project requirements.

On September 12, 2011, a public open house took place to inform property owners affected by the tunnel easements between Brooklyn and Roosevelt Stations of the proposed property acquisition affecting their properties and to share information on anticipated impacts of the tunnel construction and light rail operation.

On March 5, 2012, a public open house took place to inform property owners affected by the tunnel and guideway easements between Roosevelt and Northgate Stations of the proposed property acquisition affecting their properties and to share information on anticipated impacts of the tunnel construction and light rail operation.

Additional public meetings to present and discuss construction activities in the vicinity of the future light rail stations at Roosevelt and Northgate Stations were held on March 21, March 26 and April 11, 2012.

In compliance with state law regarding public notification, Sound Transit mailed certified letters to property owners affected by this action on June 11, 2013. Legal notices of this proposed Board action will be published in the Seattle Times newspaper on June 14, and 21, 2013.

TIME CONSTRAINTS

A delay could potentially impact project schedules due to the need to have replacement parking in place prior to the start of certain phases of construction. A significant delay could impact the acquisition schedule and could ultimately affect the construction schedule for the project.

PRIOR BOARD/COMMITTEE ACTIONS

Resolution No. R2013-05: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests, including acquisition by condemnation, and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the Northgate Link Extension.

Resolution No. R2012-18: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests, including acquisition by condemnation to the extent permitted by law, and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the Northgate Link Extension located along Interstate 5 near NE 94th Street and Northgate in the City of Seattle.

Resolution No. R2012-09: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests, pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary including acquisition by condemnation for the North Link – University of Washington Station to Northgate project between the Roosevelt and Northgate Stations.

Resolution No. R2012-08: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests, pay eligible relocation and re-establishment benefits to affected owners and

tenants as necessary, and acquire and dispose of property interests owned by public entities including acquisition by condemnation for the North Link – University of Washington Station to Northgate Project between Roosevelt Station and Northgate Station.

Resolution No. R2011-13: Authorized the chief executive officer to (1) acquire, dispose, or lease certain real property by negotiated purchase, by condemnation to the extent permitted by law (including settlement of condemnation litigation), or by entering into administrative settlements, and (2) to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for property interests needed for construction, operation and maintenance of the light rail tunnels and stations between University of Washington and Roosevelt stations within the North Link – University of Washington station to Northgate Project, all in the City of Seattle.

Resolution No. R2011-04: Authorized the chief executive officer to (1) acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for property interests needed for construction of the Brooklyn and Roosevelt Stations and certain tunnel alignment within the North Link Project – UW Station to Northgate project and (2) acquire and dispose of property interests owned by public entities, including acquisition by condemnation to the extent permitted by law, between the University of Washington Station and Northgate in the City of Seattle which are needed for construction, maintenance and operation of the light rail tunnel and stations.

Resolution No. R2010-17: Authorized the chief executive officer to acquire, dispose, or lease certain real property interests by negotiated purchase, by condemnation (including settlement), by condemnation litigation, or by administrative settlement; and to pay eligible relocation and reestablishment benefits to affected parties as necessary for construction, maintenance and operation of a light rail tunnel and stations between the University of Washington Station and the Pine Street Stub Tunnel and between the University of Washington Station and Northgate.

Resolution No. R2010-04: Authorized the chief executive officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for staging and station areas for the Brooklyn and Roosevelt Stations within the North Link – UW Station to Northgate project.

Resolution No. R2010-02: 1) Amended the Adopted 2010 Lifetime Capital Budget for the North Link – UW Station to Northgate project from \$107,176,375 to \$345,499,512 to perform final design, third party coordination, property acquisition, and related tasks, and 2) Amended the North Link – UW Station to Northgate 2010 annual budget by decreasing the Right of Way Acquisition and Permits phase by \$9,000,000 and increasing the Final Design phase by \$9,000,000.

Resolution No. R2006-07: (1) Selected the final route, profile, and station locations for the North Link Light Rail Project; (2) authorized the necessary steps to complete final design and implementation of the University Link Project.

ENVIRONMENTAL REVIEW

Jl 6/3/2013

LEGAL REVIEW

JB 6/7/2013

RESOLUTION NO. R2013-15

A RESOLUTION of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to acquire, dispose, or lease certain real property interests, including acquisition by condemnation, and pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the Northgate Link Extension.

WHEREAS, the Central Puget Sound Regional Transit Authority, hereinafter referred to as Sound Transit, has been created for the Pierce, King, and Snohomish Counties region by action of their respective county councils pursuant to RCW 81.112.030; and

WHEREAS, Sound Transit is authorized to plan, construct, and permanently operate a high-capacity system of transportation infrastructure and services to meet regional public transportation needs in the Central Puget Sound region; and

WHEREAS, in general elections held within the Central Puget Sound Regional Transit Authority district on November 5, 1996 and November 4, 2008, voters approved local funding to implement a regional high-capacity transportation system for the Central Puget Sound region; and

WHEREAS, Environmental compliance pursuant to the National Environmental Policy Act (NEPA) and State Environmental Policy Act (SEPA) was completed with the North Link Final Supplemental Environmental Impact Statement (EIS) issued on April 7, 2006, and the Federal Transit Administration issued a Record of Decision for North Link in June 2006; and

WHEREAS, in order to acquire the properties determined to be necessary for the construction, operation and maintenance of project improvements required under Sound Move and ST2, it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain rights in the property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has identified certain real properties as necessary for the construction and permanent location of the Northgate Link Extension project are reasonably described in Exhibit A of this resolution; and

WHEREAS, in order to acquire the properties determined to be necessary for replacement parking necessary for the construction of the light rail guideway and station for the Northgate Link Extension project it is necessary for Sound Transit to acquire by negotiated purchase or to condemn certain lands and rights in property for public purposes, and to pay eligible relocation and re-establishment benefits to affected parties; and

WHEREAS, Sound Transit has commissioned or will commission appraisals to determine the fair market value of the properties, and will continue to negotiate in good faith with the owners of the properties authorized to be acquired by negotiated purchase or condemned, with the intent of reaching agreements for the voluntary acquisition of the property for fair market value; and

WHEREAS, the funds necessary to acquire the property by voluntary purchase or to pay just compensation adjudged due after condemnation and the funds necessary to pay eligible relocation and re-establishment costs shall be paid from Sound Transit general funds.

NOW THEREFORE BE IT RESOLVED by the Board of the Central Puget Sound Regional Transit Authority as follows:

SECTION 1. The chief executive officer is hereby authorized to execute such agreements as are customary and necessary for the acquisition, lease, or disposal of the real property interests described in Exhibit A (said property to be used for the Northgate Link Extension project) and incorporated herein by reference, and for the payment of eligible relocation and re-establishment costs. In accordance with Sound Transit's adopted Real Property Acquisition and Relocation Policies, Procedures and Guidelines, the acquisition price of the properties shall not exceed the fair market value to be determined through the appraisal process; provided that in the event the total of the acquisition, relocation, and re-establishment costs of the properties for the Northgate Link Extension project exceeds Sound Transit's approved budget for right-of-way acquisition (plus contingency), then the chief executive officer shall obtain approval from the appropriate committee or the Board, per Resolution No. 78-2, before the acquisition of the property for the Northgate Link

Extension project by purchase or by condemnation and the payment of eligible relocation and re-establishment costs.

SECTION 2. The chief executive officer or her designee is hereby authorized to settle condemnation litigation or enter administrative settlements (a settlement in lieu of initiating condemnation litigation) for the acquisition of the real property interests described in Exhibit A. Such settlements shall be made only upon the finding of legal counsel that the settlement is consistent with the law and is reasonable, prudent, and in the public interest. Such settlements shall not exceed established project budgets. For all other settlements proposed, the chief executive officer shall obtain prior approval of the appropriate committee or the Board, per Resolution No. 78-2.

SECTION 3. The Sound Transit Board deems the Northgate Link Extension project, to be a public use for a public purpose. The Board deems it necessary and in the best interests of the citizens residing within Sound Transit's boundaries to acquire the property identified in Exhibit A as being necessary for the construction, operation, and permanent location of the Northgate Link Extension tunnels, guideway and stations, and parties be paid relocation and re-establishment costs associated with displacements from the properties.

SECTION 4. The Sound Transit Board of Directors finds that the public health, safety, necessity, convenience, and welfare demand and require that the properties described in Exhibit A be immediately acquired, condemned, appropriated, taken and damaged for the construction, operation, and permanent location of the Northgate Link Extension project.

SECTION 5. In addition to the authority granted the chief executive officer in Section 1 above, condemnation proceedings are hereby authorized to acquire all, or any portion thereof, of the properties and property rights and/or rights in those of the properties described in Exhibit A, for the purpose of constructing, owning, and operating a permanent location of the Northgate Link Extension guideway, stations and light rail tunnel. The chief executive officer is also authorized to make minor amendments to the legal descriptions of the properties described in Exhibit A, as may

be necessary to correct scrivener's errors and/or to conform the legal description to the precise boundaries of the property required for the project.

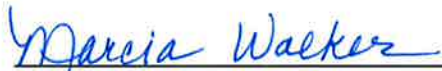
SECTION 6. The funds necessary to acquire the property by purchase or to pay just compensation adjudged due after condemnation shall be paid from Sound Transit general funds.

ADOPTED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on June 27, 2013.



Julia Patterson
Board Vice Chair

ATTEST:



Marcia Walker
Board Administrator

**RESOLUTION R2013-15
NORTHGATE LINK EXTENSION**

EXHIBIT A

R/W No.	Owner/Contact	Parcel #	Site Address
NG 1009	Northgate Mall Partnership	3226049566	Location: Corner of NE 103 rd Street and 5 th Ave. NE

PARCEL A, CITY OF SEATTLE LOT BOUNDARY ADJUSTMENT NUMBER 3003593, RECORDED UNDER RECORDING NUMBER 20060203900004, IN KING COUNTY, WASHINGTON